

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

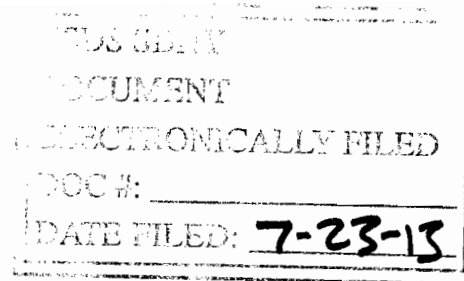
PRINCETON DIGITAL IMAGE
CORPORATION,

Plaintiff,

-v-

HEWLETT-PACKARD, CO., *et al.*,

Defendants



No. 12 Civ. 779 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of Plaintiff's letter, dated July 19, 2013 and attached to this Order, requesting clarification on the Court's preferred structure for the upcoming claim construction hearing in this action. Accordingly, IT IS HEREBY ORDERED THAT the parties shall be permitted to submit technology tutorials to the Court on CD-ROM no later than October 1, 2013. IT IS FURTHER ORDERED THAT the hearing will be conducted term by term, with each side offering its argument regarding its construction of the term before moving on to the next term. IT IS FURTHER ORDERED THAT the Court will permit live testimony; however, the parties shall submit a list of anticipated witnesses and a summary of their expected testimony no later than October 1, 2013.

SO ORDERED.

Dated: July 23, 2013
New York, New York

RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE

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July 19, 2013

BY E-MAIL (sullivanmysdchambers@nysd.uscourts.gov)

The Hon. Richard J. Sullivan
United States District Courthouse
Southern District of New York
40 Foley Square
New York, NY 10007

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**Re: *Princeton Digital Image Corporation v. Hewlett-Packard Company et al.*
No. 12 Civ. 00779 (RJS)**

Dear Judge Sullivan:

We represent plaintiff Princeton Digital Image Corporation ("PDIC") in the above-referenced matter. We write to request clarification as to the type of Claim Construction Hearing the Court prefers.

The parties' Claim Construction Hearing is scheduled for October 11, 2013. In their Joint Claim Construction and Prehearing Statement, the parties proposed submitting separate tutorials explaining the technology at issue to precede the Claim Construction Hearing. Specifically, the parties proposed that, on the day of the hearing, each side, through their respective attorneys, would provide a technology tutorial regarding the patents-in-suit, with each side being allotted forty (40) minutes for their respective tutorials. In addition, the parties proposed submitting to the Court, and to each other, their respective tutorials on a computer disk as a PowerPoint presentation, or in such other format as the Court may direct, at least ten (10) days before the Claim Construction Hearing. Defendants proposed providing live testimony from their expert witnesses during the Claim Construction Hearing. Plaintiff proposed providing expert testimony to the extent needed to rebut testimony provided by Defendants' experts.

Given the extensive preparation required by such tutorials, PDIC respectfully request the Court's earliest guidance as to:

- A. whether the Court does indeed want a technology tutorial and will permit the submission of such tutorials ten days prior to the hearing. If so, PDIC requests guidance on the format that the Court prefers for such a tutorial.

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- B. whether the procedure of the hearing will be conducted term by term, with the sides offering their competing arguments as to their respective constructions for each term before moving on to the next term , or whether the Court prefers that the Plaintiff first present its arguments as to all the contested terms, with the Defendants then offering their arguments in opposition and Plaintiff offering a reply.
- C. whether or not the Court will permit, or if the Court prefers, that the parties present live testimony at the hearing.

We thank the Court for its consideration and guidance on the above issues. Appreciating the preparation and lead time attendant to at least some of these options, PDIC requests a short telephonic conference with the Court at the Court's earliest opportunity.

Respectfully submitted,

s/ R. Terry Parker

cc: All Counsel of Record (by e-mail)